

Remarks

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Claims 1, 6, and 8-20 are currently pending in the application; Claims 1 and 6 having been amended, dependent Claims 2 and 7 having been canceled without prejudice or disclaimer, and new Claims 8-20 having been added, by way of the present response. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.¹

In the Office Action it is asserted that conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120 have not been complied with; Claims 1 and 6 were objected to because of informalities; Claims 1, 2, and 6 appear to have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,055,787 to Gerhafer et al. (Gerhafer) in view of U.S. Patent No. 4,001,997 to Saltzman; and Claim 7 appears to have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerhafer in view of Saltzman, and further in view of Japanese Publication No. 10-088769 to Hideki.²

Initially, Applicants respectfully assert that the Examiner has not yet evidenced consideration of the references listed on a List of Reference Cited by Applicants included with the Information Disclosure Statement filed on January 9, 2004. Applicants respectfully request that the Examiner evidence consideration of these references by returning with the next U.S. Patent Office communication a copy of the List, which has been initialed and executed by the Examiner.

¹ Applicants respectfully assert that independent Claims 1 and 6 have been amended to recite, among other features, features recited in original dependent Claims 2 and 7, which have been canceled by this response.

² Applicants respectfully assert that the Office Action refers to the rejections of Claims 1-4, while Claims 1, 2, 6, and 7 were pending at the time the Office Action was mailed.

As stated above the Office Action asserts that conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120 have not been complied with. In response, Applicants respectfully request clarification as to why it is asserted that the conditions have not been complied with. Applicants respectfully assert that both the original Application Data Sheet, as well as the Supplemental Application Data Sheet, state that the application is a division of application no. 10/197,585, which was filed on July 18, 2002.

As stated above Claims 1 and 6 were objected to because of informalities. In response, Applicants have amended the claims to remove the recitations of “ceramic type.” Thus, Applicants respectfully request that the objection to the claims be withdrawn.

As stated above Claims 1, 2, and 6 appear to have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerhafer in view of Saltzman. Claim 7 appears to have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerhafer in view of Saltzman, and further in view of Hideki. Applicants respectfully assert that the amendments of the claims have overcome the rejections for the following reasons.

The present invention is directed to a siding board for clapboard boarding that is employed in a clapboard boarding structure (e.g., as recited in independent Claim 1), as well as a clapboard boarding structure including a plurality of siding boards (e.g., as recited in independent Claim 6). Independent Claim 1 recites the siding board including vertical joint grooves on a designed surface. Lower edges of a lower side portion are formed at different heights with boundaries of the vertical joint grooves. A rear surface stepped portion is formed on the lower side portion, which has been obtained by notching a rear surface of the siding board. An upper end surface of the rear surface stepped portion is formed to extend in a substantially straight line in lateral directions. An engaging groove is formed at the upper end surface of the rear surface stepped portion, which has been obtained by notching the upper end surface. Engaging notches are formed at the upper side portion, which have been

obtained by notching the designed surface of the siding board. Tongue portions are disposed on right and left sides of the siding board, the tongue portions configured to overlap tongue portions of adjacent siding boards. The engaging groove is configured to engage with upper-board engaging portions of fastening members for fastening the siding board to the framework. The engaging notches are configured to engage with lower-board engaging portions of the fastening member.

Independent Claim 6 recites the siding boards including vertical joint grooves on a designed surface. Lower edges of a lower side portion are formed at different heights with boundaries of the vertical joint grooves. A rear surface stepped portion is formed on the lower side portion, which has been obtained by notching the rear surface of the siding boards. An upper end surface of the rear surface stepped portion is formed to extend in a substantially straight line in a lateral direction. An engaging groove is formed at the upper end surface of the rear surface stepped portion, which has been obtained by notching the upper end surface upwardly. Engaging notches are formed at the upper side portion, which have been obtained by notching the designed surface. Tongue portions are disposed on right and left sides of the siding boards, the tongue portions configured to overlap tongue portions of adjacent siding boards. Each of the upper side portions of lower siding boards is disposed at the rear surface stepped portion formed on each of the lower side portions of upper siding boards. The siding boards are fastened to the framework of the building by fastening members. Each of the fastening members includes a base plate portion that is fixed to the framework, a supporting portion rising frontward from the base plate portion, an upper-board engaging portion upwardly bent from a front end of the supporting portion, and a lower-board engaging portion downwardly bent from the front end of the supporting portion. Each of the upper-board engaging portions is engaged with the engaging groove of the upper siding boards and each

of the lower-board engaging portions is engaged with the engaging notches of the lower siding board.

Regarding the rejection of independent Claim 1, Applicants respectfully assert that neither Gerhafer nor Saltzman teaches or suggests the claimed features of tongue portions disposed on right and left sides of a siding board, the tongue portions configured to overlap tongue portions of adjacent siding boards, as recited in the independent claim.

Gerhafer is directed to an externally suspended facade system. Applicants respectfully assert that Gerhafer does not teach or suggest, however, the claimed features of tongue portions disposed on right and left sides of a siding board, and therefore also does not teach or suggest the claimed features of such tongue portions configured to overlap tongue portions of adjacent siding boards, as recited in independent Claim 1.

Specifically, independent Claim 1 recites “tongue portions disposed on right and left sides of the siding board, the tongue portions configured to overlap tongue portions of adjacent siding boards.”

The Office Action relies on Saltzman in an attempt to remedy the deficiencies of Gerhafer. Applicants respectfully assert that Saltzman does not remedy these deficiencies, however, for the following reasons.

Saltzman is directed to a molded siding member. As shown in Figures 3 and 5, for example, of Saltzman, a siding member 10 includes a flange-like element 64 protruding downwardly, to be disposed under a lower member 14. The siding member 10 includes a flange 60 protruding outwardly, to be disposed under an adjacent siding member.³

Applicants respectfully assert that Saltzman does not teach or suggest, however, the claimed features of tongue portions disposed on right and left sides of a siding board, the tongue portions configured to overlap tongue portions of adjacent siding boards, as recited in

³ Column 3, lines 18-38.

independent Claim 1. Specifically, Applicants respectfully assert that Saltzman does not show or state the siding member 10 also including the flange 60 on a left side in Figure 3, for example, and therefore also does not show or state two such flanges 60 overlapping flanges on adjacent siding members, for example.

Applicants respectfully assert that the claimed features recited in independent Claim 1 can provide numerous advantages, which cannot be provided by the cited references. By way of specific non-limiting examples, Applicants respectfully assert that the claims features of tongue portions disposed on right and left sides of a siding board, the tongue portions configured to overlap tongue portions of adjacent siding boards can provide a ship-lap joint, for example, which can prevent water leakage, thereby providing a clapboard structure that is aesthetically pleasing and provides superior weatherability.

Thus, for the above reasons, Applicants respectfully assert that neither Gerhafer nor Saltzman, whether taken alone or in combination, teaches or suggests the claimed features recited in independent Claim 1. Therefore, Applicants respectfully request that the rejection of independent Claim 1 under 35 U.S.C. § 103(a) be withdrawn, and the allowance of independent Claim 1.

Regarding the rejection of independent Claim 6, for reasons similar to those discussed above with respect to independent Claim 1, Applicants respectfully assert that neither Gerhafer nor Saltzman teaches or suggests the claimed features of tongue portions disposed on right and left sides of siding boards, the tongue portions configured to overlap tongue portions of adjacent siding boards, as recited in the independent claim.

Specifically, independent Claim 6 recites “tongue portions disposed on right and left sides of the siding boards, the tongue portions configured to overlap tongue portions of adjacent siding boards.”

Inasmuch as independent Claim 6 has been amended to recite features of original dependent Claim 7, which has been canceled by this response, Applicants respectfully assert that the Office Action relies on Hideki in an attempt to remedy the deficiencies of Gerhafer and Saltzman. Applicants respectfully assert that Hideki does not remedy these deficiencies, however, for the following reasons.

Applicants respectfully assert that Hideki also does not teach or suggest the claimed features of tongue portions disposed on right and left sides of siding boards, the tongue portions configured to overlap tongue portions of adjacent siding boards, as recited in independent Claim 6. Applicants respectfully assert that Hideki is relied upon, in the Office Action, to teach fastening members. Applicants respectfully assert, however, that Hideki is not related to the present invention, because the structure of Hideki differs totally from the clapboard boarding structure recited in the Claim 6.

Thus, for the above reasons, Applicants respectfully assert that none of Gerhafer, Saltzman, or Hideki, whether taken alone or in combination, teaches or suggests the claimed features recited in independent Claim 6. Therefore, Applicants respectfully request that the rejection of independent Claim 6 under 35 U.S.C. § 103(a) be withdrawn, and the allowance of independent Claim 6.

Applicants respectfully assert that Claims 8-13 are allowable for the same reasons as independent Claims 1 and 6 from which they depend, as well as for their own features. Thus, Applicants respectfully request the allowance of new dependent Claims 8-13.

Applicants respectfully assert that new independent Claim 14, as well as new Claims 15-20 depending therefrom, are allowable for reasons similar to those of independent Claims 1 and 6. Thus, Applicants respectfully request the allowance of new Claims 14-20.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in

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condition for formal Allowance. A Notice of Allowance for Claims 1, 6, and 8-20 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Customer Number

22850

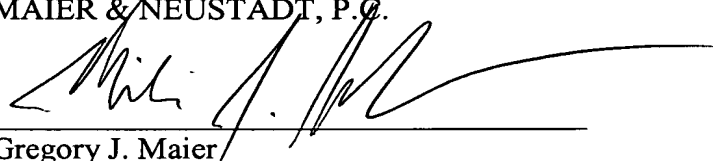
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(OSMMN 06/04)

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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